

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1231, § 3106; Pub. L. 99-576, title VII, § 701(73), Oct. 28, 1986, 100 Stat. 3297; renumbered § 5306, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, § 4(a)(1), Aug. 6, 1991, 105 Stat. 403; Pub. L. 103-446, title V, § 503, Nov. 2, 1994, 108 Stat. 4663.)

#### **Editorial Notes**

##### AMENDMENTS

1994—Subsec. (c). Pub. L. 103-446 added subsec. (c).

1991—Pub. L. 102-40 renumbered section 3106 of this title as this section.

Subsec. (a). Pub. L. 102-83 substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

1986—Subsec. (a). Pub. L. 99-576 substituted “the” for “his” before “right” in first sentence.

#### **§ 5307. Apportionment of benefits**

(a) All or any part of the compensation, pension, or emergency officers’ retirement pay payable on account of any veteran may—

(1) if the veteran is being furnished hospital treatment, institutional, or domiciliary care by the United States, or any political subdivision thereof, be apportioned on behalf of the veteran’s spouse, children, or dependent parents; and

(2) if the veteran is not living with the veteran’s spouse, or if the veteran’s children are not in the custody of the veteran, be apportioned as may be prescribed by the Secretary.

(b) Where any of the children of a deceased veteran are not in the custody of the veteran’s surviving spouse, the pension, compensation, or dependency and indemnity compensation otherwise payable to the surviving spouse may be apportioned as prescribed by the Secretary.

(c) If a veteran is not living with the veteran’s spouse, or if any of the veteran’s children are not in the custody of the veteran, any subsistence allowance payable to the veteran under chapter 31 of this title or that portion of the educational assistance allowance payable on account of dependents under chapter 34 of this title may be apportioned as may be prescribed by the Secretary.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1231, § 3107; Pub. L. 99-576, title V, § 505, Oct. 24, 1986, 100 Stat. 3297; renumbered § 5308 and amended Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, § 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

#### **Editorial Notes**

##### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3107 of this title as this section.

Subsecs. (a)(2), (b), (c). Pub. L. 102-83 substituted “Secretary” for “Administrator”.

1983—Subsec. (a)(1). Pub. L. 98-160, § 703(2)(A), substituted “the veteran’s spouse” for “his wife”.

Subsec. (a)(2). Pub. L. 98-160, § 703(2)(A)-(C), substituted “the veteran’s spouse” for “his wife”, “the veteran’s children” for “his children”, and “the custody of the veteran” for “his custody”.

Subsec. (b). Pub. L. 98-160, § 703(2)(D), substituted “surviving spouse” for “widow” in two places.

Subsec. (c). Pub. L. 98-160, § 703(2)(A)-(C), (E), substituted “the veteran’s spouse” for “his wife”, “the

veteran’s children” for “his children”, “the custody of the veteran” for “his custody”, and “payable to the veteran” for “payable to him”.

1972—Subsec. (c). Pub. L. 92-540 inserted provisions relating to that portion of the educational assistance allowance payable on account of dependents under chapter 34 of this title.

#### **Statutory Notes and Related Subsidiaries**

##### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as a note under section 4101 of this title.

#### **§ 5308. Withholding benefits of persons in territory of the enemy**

(a) When any alien entitled to gratuitous benefits under laws administered by the Secretary is located in territory of, or under military control of, an enemy of the United States or of any of its allies, any award of such benefits in favor of such alien shall be terminated forthwith.

(b) Any alien whose award is terminated under subsection (a) shall not thereafter be entitled to any such gratuitous benefits except upon the filing of a new claim, accompanied by evidence satisfactory to the Secretary showing that such alien was not guilty of mutiny, treason, sabotage, or rendering assistance to such enemy. Except as provided in section 5309 of this title, such gratuitous benefits shall not be paid for any period before the date the new claim is filed.

(c) While such alien is located in territory of, or under military control of, an enemy of the United States or of any of its allies, the Secretary, in the Secretary’s discretion, may apportion and pay any part of such benefits to the dependents of such alien. No dependent of such alien shall receive benefits by reason of this subsection in excess of the amount to which the dependent would be entitled if such alien were dead.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1231, § 3108; Pub. L. 99-576, title VII, § 701(74), Oct. 28, 1986, 100 Stat. 3297; renumbered § 5308 and amended Pub. L. 102-40, title IV, § 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-83, § 4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405.)

#### **Editorial Notes**

##### AMENDMENTS

1991—Pub. L. 102-40, § 402(b)(1), renumbered section 3108 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

Subsec. (b). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-40, § 402(d)(1), substituted “5309” for “3109”.

Subsec. (c). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” and “Secretary’s” for “Administrator’s”.

1986—Subsec. (c). Pub. L. 99-576 substituted “the Administrator’s” for “his” in first sentence, and “the dependent” for “he” in second sentence.

#### **§ 5309. Payment of certain withheld benefits**

(a) Any person who, but for section 5308 of this title, was entitled to benefits under any of the laws administered by the Secretary, whose